

109TH CONGRESS  
1ST SESSION

# H. R. 408

To amend title 5, United States Code, to provide for portal-to-portal compensation for wildland firefighters, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JANUARY 26, 2005

Mr. POMBO (for himself, Mr. HONDA, Mr. CUNNINGHAM, Mr. OTTER, Mr. SIMPSON, Mrs. NAPOLITANO, and Mr. DOOLITTLE) introduced the following bill; which was referred to the Committee on Government Reform

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## A BILL

To amend title 5, United States Code, to provide for portal-to-portal compensation for wildland firefighters, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Federal Wildland Fire-  
5 fighter Emergency Response Compensation Act of 2005”.

6 **SEC. 2. PORTAL-TO-PORTAL COMPENSATION.**

7 (a) WILDLAND FIREFIGHTER DEFINED.—For pur-  
8 poses of this section, the term “wildland firefighter”  
9 means an employee of the Department of the Interior or

1 the United States Forest Service in the Department of  
2 Agriculture, the duties of whose position are primarily to  
3 perform work directly connected with the control, extin-  
4 guishment, prevention, and management of wildland fires  
5 (including an employee engaged in this activity who is  
6 transferred to a supervisory or administrative position),  
7 but does not include an employee or group of employees  
8 excluded by the Office of Personnel Management under  
9 the second sentence of subsection (c).

10 (b) PORTAL-TO-PORTAL COMPENSATION.—

11 (1) IN GENERAL.—For purposes of any deter-  
12 mination of pay, a wildland firefighter is entitled to  
13 be paid for the entire period of time during which  
14 such firefighter is engaged in officially ordered or  
15 approved duties in connection with responding to a  
16 wildland fire or other emergency, subject to para-  
17 graph (2).

18 (2) LIMITATION.—Notwithstanding any other  
19 provision of law, for any 24-hour period, the total  
20 amount in basic pay and premium pay payable to a  
21 wildland firefighter as a result of the application of  
22 this subsection may not exceed the amount equal to  
23 the sum of—

24 (A) 16 times the firefighter's hourly rate  
25 of basic pay; and

1 (B) 8 times the firefighter’s overtime hour-  
 2 ly rate of pay.

3 (c) REGULATIONS.—The Office of Personnel Man-  
 4 agement shall prescribe any regulations necessary to carry  
 5 out the purposes of this section. The Office may by regula-  
 6 tion exclude from the operation of this section an employee  
 7 or group of employees appointed on a casual emergency  
 8 basis.

9 **SEC. 3. HAZARDOUS DUTY DIFFERENTIAL TO BE TREATED**  
 10 **AS PART OF A FIREFIGHTER’S BASIC PAY FOR**  
 11 **RETIREMENT PURPOSES.**

12 (a) IN GENERAL.—Section 8331(3) of title 5, United  
 13 States Code, is amended—

14 (1) by striking “and” at the end of subpara-  
 15 graph (G);

16 (2) by inserting “and” at the end of subpara-  
 17 graph (H); and

18 (3) by adding after subparagraph (H) the fol-  
 19 lowing:

20 “(I) with respect to a firefighter, any pay  
 21 differential under section 5545(d);”.

22 (b) CONFORMING AMENDMENT.—Section 8331(3) of  
 23 such title 5 is further amended by striking “(B) through  
 24 (H)” and inserting “(B) through (I)”.

1 **SEC. 4. EFFECTIVE DATE.**

2       The amendments made by this Act shall apply with  
3 respect to compensation for service performed in any pay  
4 period beginning on or after the date of enactment of this  
5 Act.

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